

AMG/fnv

CONCURRING OPINION OF MONIQUE F. KUESTER:

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would comment that while the employer may have compelling business reasons to terminate the claimant, conduct that might warrant a discharge from employment will not necessarily sustain a disqualification from job insurance benefits. Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa App. 1983). Although the employer has a policy that prohibits "... threatening either open or veiled, verbal or physical..." behavior (Tr. 4, lines 29-30), I would find that the employer failed to prove that the claimant's statement rose to the level of a threat such that would violate their policy.

Monique F. Kuester

AMG/fnv